



# City of Chicopee, Massachusetts

## License Commission

Donald Goulette, Chairman  
Robert Borowiec  
James Grise  
Donald Derosia  
Daniel Taney

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Minutes for June 21, 2012 6:00 PM

In attendance: Chairman Goulette, Commissioners Borowiec, Grise and Taney. Also Atty. Rooke was present.

Minutes for May are presented to the Board. Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Hearing for Collegian Court, 95 Park St. In attendance: Linda Anthony and John Michon. Atty. Rooke informs the Board that he has spoken to the licensee and they have requested a 30 day extension to open or have a Purchase & Sale agreement in place. Mr. Michon states that they have had a serious offer. They would like to explore this opportunity. The Commissioners state that this is the last effort. If a Purchase & Sale agreement is not in place by the next meeting the license will be cancelled. Atty. Rooke states that the Commission is business friendly but there cannot be any more delays. Commissioner Borowiec makes a motion to approve the 30 day extension or until the next meeting (July 19) and they must have a viable Purchase & Sale agreement in place. Commissioner Taney seconds. Motion approved 4-0.

Hearing for Rivoli, 115 Springfield St. In attendance: Konrad Wargulewski.

Atty. Rooke informs the Board that he has spoken to the licensee and he has requested a 30 day extension. Mr. Wargulewski informs the Board that he is working on new financing. The Commissioners state that he needs to be open for business and have financing in place by the next meeting. Atty. Rooke also states that the Board is over seen by the ABCC and they have to follow their regulations. Commissioner Borowiec makes a motion to approve the 30 day extension or until the next meeting (July 19) and they must be open and have financing in place. Commissioner Taney seconds. Motion approved 4-0.

Hearing for Septembers, 92 View St. In attendance: Norm Avey, Dan Lemlin, Atty. Dan Kelley and Officer Rick Henry. Officer Henry reads his report. Atty. Kelley informs the Board that the owners of Septembers work the door and check ID's for all patrons. The individual in the police report never entered the establishment. The witness who called the police never said she saw this person in the bar. There are no other witnesses who saw him. Atty. Rooke asks if anyone in the bar observed him inside. Officer Henry states there were no witnesses. Atty. Kelley states no one saw him there. Chairman Goulette states that the establishment is responsible for the parking area as well as the building. Atty. Kelley agrees but this individual admitted to drinking all day and when initially asked by police where he was, he thought he was home in bed. Chairman Goulette states that it is very scary to think that this person was driving all over the place. Atty. Rooke states that the only concern is if this individual was in the bar drinking. Chairman Goulette states that it sounds like he was never in the bar. Commissioner Borowiec states that the violation is not founded for lack of sufficient evidence. Commissioner Taney seconds. Motion approved 4-0.

Hearing for Maximum Capacity, 116 School St. In attendance: Don Robert, Sr, Don Robert, Jr, Atty. Mike Labrie and Cpt. Muise. Officer Morissette is not present to read his report so Cpt. Muise reads the report. He is not attending this hearing in an official capacity. Atty. Labrie states that this patron was in the bar briefly and was loud and unruly and was asked to leave the premises. He was not served any alcohol while in the establishment. Cpt. Muise did not see him served alcohol but it was very crowded

that night. Commissioners Grise asks if all the staff/bartenders are TIPs certified. Mr. Robert Jr responds that all employees are certified. Commissioner Grise suggests that incident reports be used when there is an issue. Commissioners make note that the person involved in this incident stated to the police that he was drinking at the bar all night. Commissioner Borowiec makes a motion that the violation is unfounded. Commissioner Grise seconds. Motion approved 4-0. Commissioners feel Maximum Capacity handled this situation correctly by having this patron removed from the premises.

Hearing for Rollin' Roc, 258 Exchange St. In attendance: Richard Ferus, Sgt. Lareau, Officer Rich Maynard and Det. Mike Dion. Sgt. Lareau reads his report. Det. Dion reads his report and submits the alcohol bottles confiscated from the establishment for the Commissioners review. Officer Maynard reads his report. Mr. Ferus informs the Board that he does what he can to keep any incidents to a minimum and the bar clean. The bartenders clean nightly. He has purchased pourers with screens to keep out fruit flies and has the taps cleaned twice a month. He has a pest control company come in monthly. To his knowledge the pourers only come off the bottles to be cleaned. Commissioner Grise asks if the persons in the report were served in his establishment prior to these incidents. To Mr. Ferus's knowledge they were not. A female bartender was on duty that night and did not feel comfortable with them in there and asked them to leave. Another off duty bartender stepped in to help and the cops were called. A fight did ensue. There are no security cameras or personnel in the bar. Commissioner Grise suggests that a security system be installed. Mr. Ferus states that Det. Dion also suggested this and he is looking into this. Chairman Goulette asks if all employees are TIPs certified. He only submitted three certificates with the latest roster. Mr. Ferus will bring in the certificates first thing on Friday morning. Atty. Rooke suggest that the security cameras also be installed on the entrance stairs and covering some outside areas. Commissioner Borowiec asks if he has receipts from his pest control company. Mr. Ferus submits the statements. Chairman Goulette states that the fruit fly issue is a concern for every bar. He should have the bar sprayed weekly for this issue. Commissioner Grise asks if he wraps the bottles nightly. He does not; he thought the screens would cover this. There are covers that can be purchased to cover the bottles nightly. Atty. Rooke points out that the licensee is responsible for the outside of the establishment as well as inside. Mr. Ferus states that he has not had many incidents in the past year. Commissioner Taney states that some of these issues are related to alcohol. Chairman Goulette states that if a patron even looks like he might have been drinking a little too much then don't serve them. Call the police if needed to have them removed. All the Commissioners reiterate this. Commissioner Grise also states that if his employees are TIPs certified and have taken a class rather than the on-line course they are taught to look for certain signs that a person may have had too much to drink.

Commissioner Grise makes a motion that Count 1- M.G.L.Chapter 138§ Section 69. - Sale or delivery to intoxicated person(s) 4 counts is founded. Commissioner Borowiec seconds. Motion approved 4-0.

Commissioner Borowiec makes a motion that Count 2- Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises (2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not is unfounded. Commissioner Taney seconds. Motion approved 4-0.

Commissioner Taney makes a motion that Count 3-Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises (8) All premises covered by a license or storage permit shall be kept in a clean and sanitary condition at all times is founded. Commissioner Grise seconds. Motion approved 4-0.

Commissioner Grise makes a motion that Count 4- Chicopee Rules and Regulations-1.08 Environs of Licensed Premises a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times is founded. Commissioner Taney seconds. Motion approved 4-0.

Commissioner Grise makes a motion that Count 5- Chicopee Rules and Regulations 1.05 Physical Premises- (b).All premises covered by the license shall be kept in a clean and sanitary condition is founded. Commissioner Taney seconds. Motion approved 4-0.

On Count 1 Commissioner Taney makes a motion that all employees must take TIPs class and be recertified. Commissioner Borowiec seconds. Motion approved 4-0.

On Count 3 Commissioner Grise makes a motion that an extermination company is brought in weekly to control fruit fly infestation. Caps or covers utilized on all bottles. A compliance check will be held in 30 days. Commissioner Taney seconds. Motion approved 4-0

On Count 4- Commissioner Grise makes a motion that security cameras be installed at all points of ingress and egress and to cover interior and exterior of establishment. Security systems have minimum 30 day preservation time. System must be installed within 90 days. Commissioner Taney seconds. Motion approved 4-0

On Count 5 Commissioner Grise makes a motion that an extermination company is brought in weekly to control fruit fly infestation. Caps or covers utilized on all bottles. A compliance check will be held in 30 days. Commissioner Taney seconds. Motion approved 4-0

Application for a Change of Manager and Officers/Directors for P.N.A. Café, 138 Cabot St with Darryl Fredette as proposed new manager. In attendance: Darryl Fredette. Mr. Fredette informs the Board that he is TIPs certified and he has some prior experience in this business. Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

Application for a Change of Officers/Directors for Chicopee Portuguese American Club, 147 Exchange St with Dino Claudino as manager. Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0.

Application for a Special One-Day Permit(Beer/Wine) for the Chicopee Fest of All Beer Garden to be held at Szot Park, Front St on:

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|----------|---------------------------------|
| Thursday | June 28, 4:00 PM until 9:30PM   |
| Friday   | June 29, 4:00 PM until 9:30PM   |
| Saturday | June 30, 11:00 AM until 10:00PM |
| Sunday   | July 1, 11:00 AM until 10:00PM  |

with Ron Belair as applicant. Function will be held in a contained and monitored area. Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Application for a Special One-Day Permit(All Alcohol) for Eagles, 17 Sheridan St for a Chip N Putt Golf Tournament to be held on June 24, 2012 from 12:00 PM until 2:00 PM with Derek Scott as applicant. Commissioner Borowiec makes a motion to approve. Commissioner Taney seconds. Motion approved 4-0

Application for a Special One-Day Permit (Beer/Wine) for Patti's Four-Ten, 32 Quincy Ave for a Customer Appreciation Event to be held on July 28, 2012 with Patricia Bousquet as applicant. (Area will be contained and monitored) Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Application for a Special One-Day Permit (Beer/Wine) for Patti's Four-Ten, 32 Quincy Ave for a Cancer Benefit to be held on July 7, 2012 with Patricia Bousquet as applicant. (Area will be contained and monitored) Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Application for Special One-Day Permits (Beer/Wine) for the Moose Lodge, 244 Fuller Rd for the Weekly Car Shows to be held on June 14,21, 28 and July 5, 12, 19,and July 26, 2012 from 5:00 PM until dark with Robert Hupfer as applicant. Commissioner Grise makes a motion to approve. Commissioner Taney seconds. Motion approved 4-0

Application for a Special One-Day Permit(Wine/Malt) for Amvets, 574 Montgomery St for a Motorcycle Run Fundraiser Benefit for the Holyoke Soldiers Home to be held on June 30, 2012 from

4:00 PM until 9:00 PM with Gerald Cyr as applicant ( Area will be contained and monitored)  
Commissioner Grise makes a motion to approve. Commissioner Taney seconds. Motion approved 4-0

Application for a Special Event for a 18+ College Night to be held at Maximum Capacity, 116 School St on July 12, July 19, July 26 and August 2, 2012 with Donald Robert, Jr as applicant. Commissioner Grise makes a motion to approve. Commissioner Taney seconds. Motion approved 4-0

Application for a Special Event for a All Ages Local Rock Band Show to be held at Maximum Capacity, 116 School St on July 6, 2012 from 7:00 PM until 12:00AM with Donald Robert, Jr as applicant ( Alcohol will only be served to +21 in raised areas in back of room) Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Application for a Mobile Common Victualer for Bruisers Barbeque with Scott Moore as manager (new) Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Application for a Common Victualer for China Star, 80 Main St with Jin Dong as manager (new owner, will be turning in beer/wine license) Commissioner Borowiec makes a motion to table this application pending more information. Commissioner Grise seconds. Motion approved 4-0

Application for a Common Victualer and Weekday Entertainment for Favorite's, 157 Grove St with Julissa Rawana as manager (new) Hours will be Monday –Saturday 7:00 AM until 9:00 PM. Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Application for a Mobile Common Victualer for D & M Catering with Minh T. Nguyen as manager (new) Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

**Fest of All Common Victualer:**

Bruisers Barbeque

The Rumbleseat

Hu Ke Lau

Cliffs Smokin' Backyard BBQ

Villa Napoletana

The Ultimate BBQ

Fairview Deli

Doogan's Deli

Thai Place

Poppies' Fresh Onion Rings (3 units)

Maximum Capacity

Simply Cannoli

Carols Concession

Ichabod's Tavern/Dogs N Such

Commissioner Borowiec makes a motion to approve. Commissioner Grise seconds. Motion approved 4-0

Filing Fees are read by Commissioner Grise